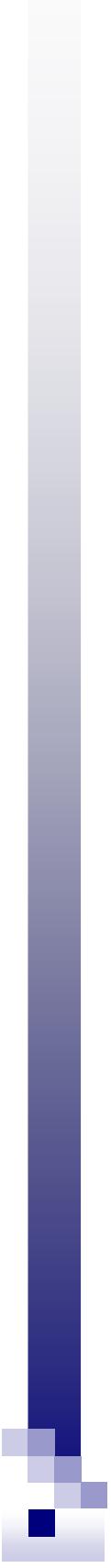


# Development & Proffer History

## Lovettsville Town Center

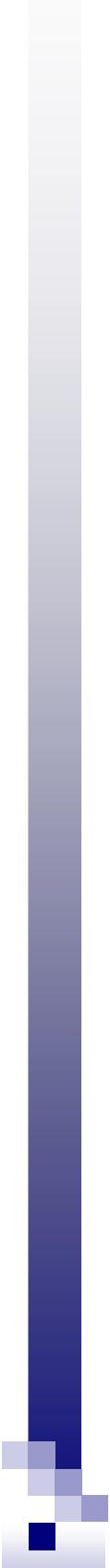


# What is a Proffer?

- Voluntary condition offered by an applicant during a rezoning process to the local governing body.
  - Proffers exceed the minimum requirements of the Zoning or Subdivision Ordinance and often support Comprehensive Plan policy.
  - Many times proffers are used to reduce potential negative impacts of a development, provide amenities or to make a development more “attractive” to the governing body.
- Example: A developer asking to rezone a parcel from residential to commercial may offer a proffer to limit the hours of operation of any future business.

# How are Proffers Determined?

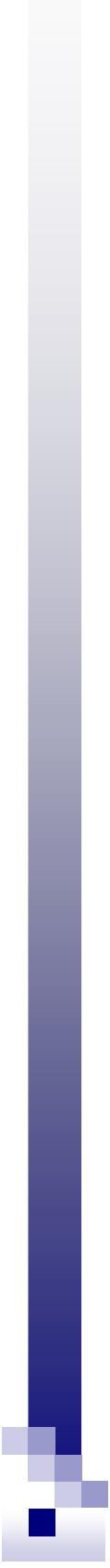
- Governing bodies cannot ask for specific proffers from a developer, they can only express issues and concerns while attempting to implement Comprehensive Plan policy.
- Applicants are not required to provide proffers.
- The governing body has the right to accept or deny proffers.
- Once accepted, a proffer becomes part of that parcel's zoning and remains in effect even if the property sells.
- Because proffers are additional voluntary conditions offered by an applicant, the applicant, or future land owner is the only entity that can request a change. Any modification is treated like a rezoning and requires a public hearing, Planning Commission review and Town Council approval.



## Five Separate Submissions of Proffers have been formally accepted by Town Council

- 2002: Initial approval.
- 2005: Increase in residential building height.
- 2006: Addition of 20 acres to residential development.
- 2009: Removal of some alleys, increase in corner lot setbacks, additional proffer to specifically identify those lots that will be rear or side loaded, addition of a fence around the neighborhood park.

All submissions included a proffered development (concept) plan

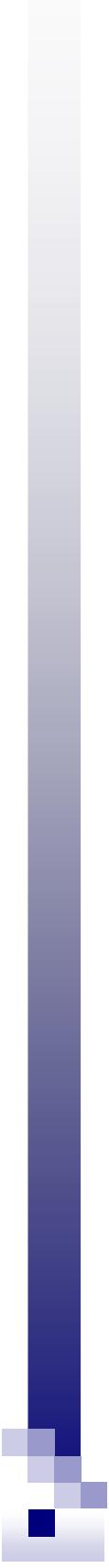


# What the Town Center Proffers did Not include?

- Who would build the residential units.
- What the architectural details of the residential units would include (color, materials, elevations).
- Any guarantee that homes would have detached garages or be rear loaded, even for lots that fronted on alleys (2002, 2005, 2006).

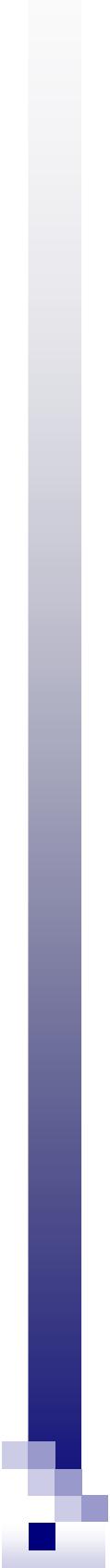
# The Bottom Line

- The Town approved the original rezoning without architectural proffers.
- The developer could have changed builders/ home design and garage orientation at any time under the approved plan regardless of the subsequent proffer modifications.
- Only the Applicant can ask the Town to consider new or amended proffers for any approved project.



## **Development Elements that Remain Unchanged from the 2006 to the 2009 plan**

- 28ft Wide Residential Streets  
(face of curb to face of curb)
- 206 Single Family Detached homes
- 5 foot wide sidewalk on both sides of street
- 5.5 wide utility strip  
(grass strip between road and sidewalk)
- Two major internal parks / street trees
- Commercial component unchanged  
(absorption of one residential lot)



# January 2009 Concept Plan and Proffer Amendment

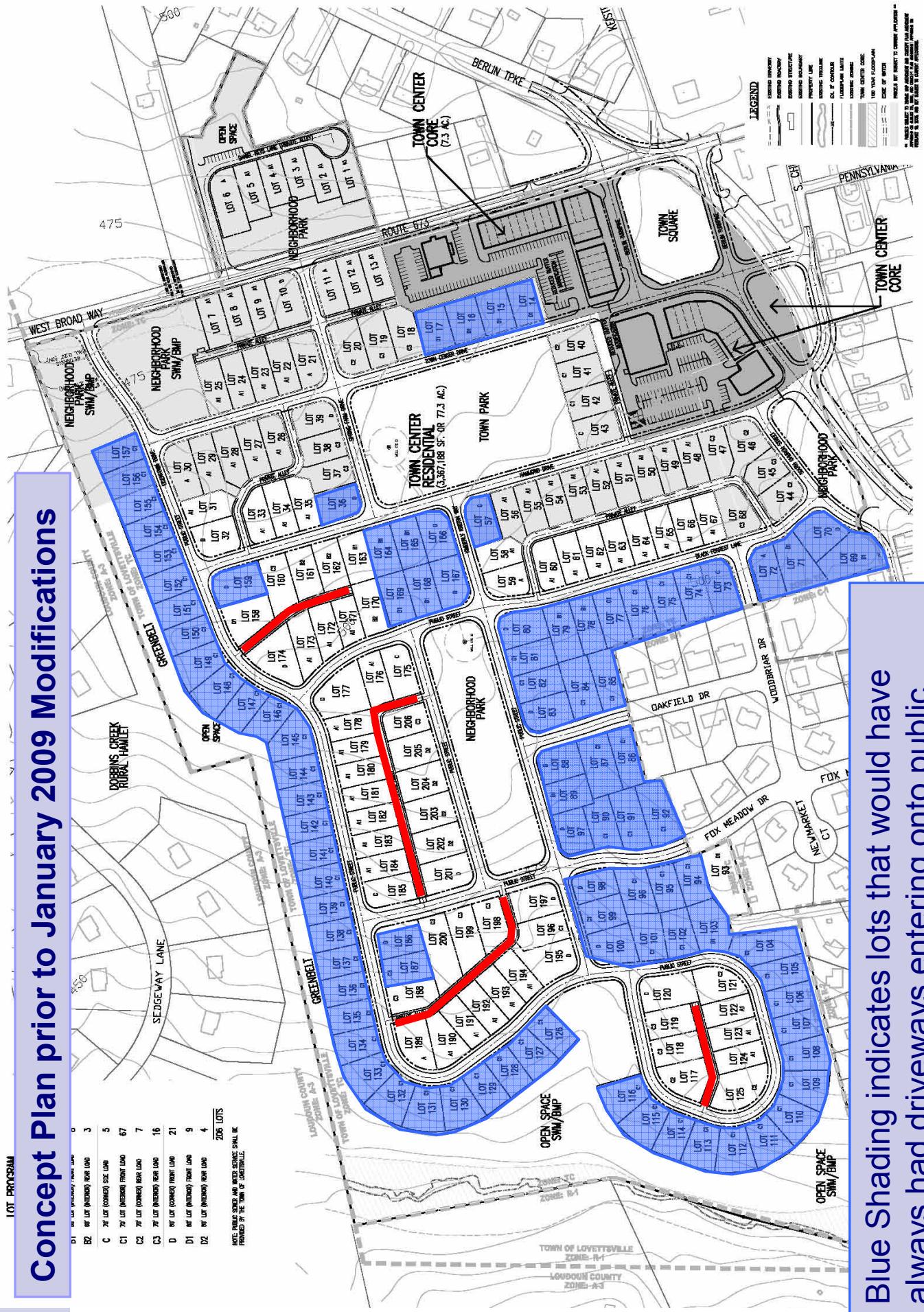
- Property owners were notified of the public hearing by the applicant as required by the Town Ordinance as provided for in the Code of Virginia (§15.2-2206 Code of VA)
- Joint Public Hearing was held by the Planning Commission and Town Council.
- The public hearing ad is not required to convey any impacts that may result from the proposed change.
- Action was taken by Council on January 22, 2009

# Early Approved Concept Plan from Elm Street



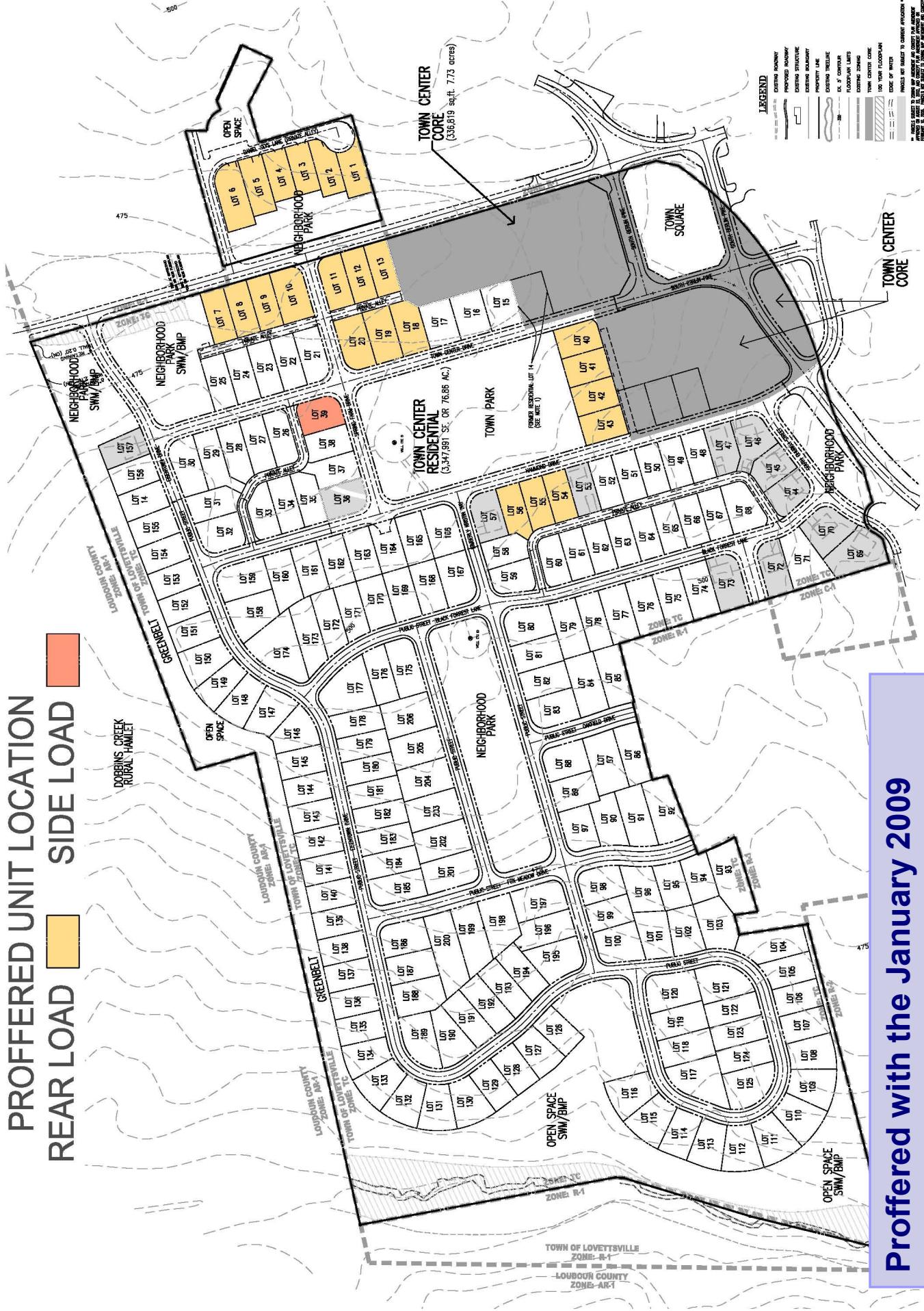
Concept Plan prior to January 2009 Modifications

D1	REAR CENTER FRONT LOAD	
E2	REAR CENTER REAR LOAD	3
E2	REAR CENTER REAR LOAD	3
C1	REAR CENTER SIDE LOAD	5
C1	REAR CENTER SIDE LOAD	5
C1	REAR CENTER FRONT LOAD	67
C2	REAR CENTER REAR LOAD	7
C3	REAR CENTER REAR LOAD	16
D	REAR CENTER FRONT LOAD	21
D1	REAR CENTER FRONT LOAD	9
D2	REAR CENTER REAR LOAD	4
		206

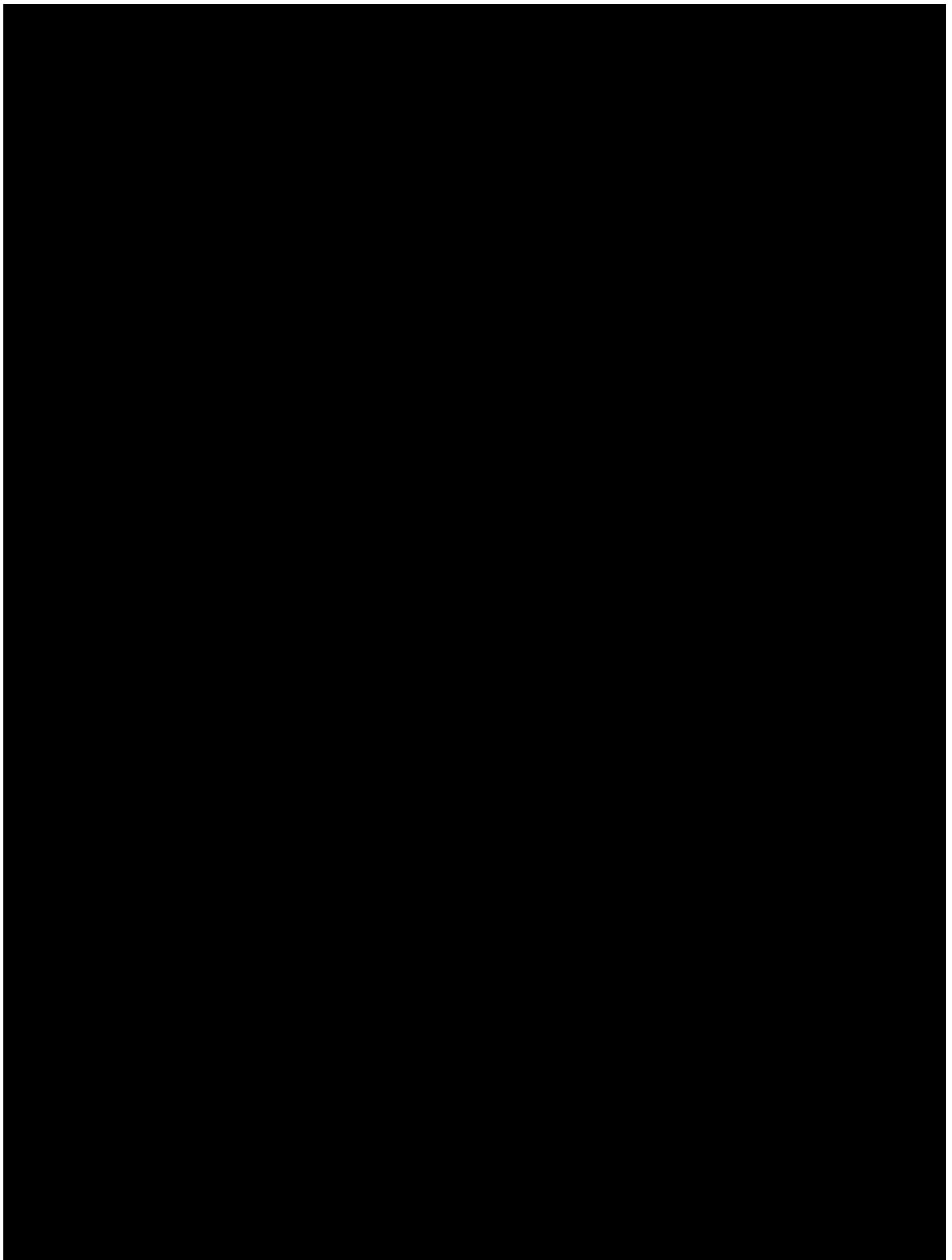


Blue Shading indicates lots that would have always had driveways entering onto public streets. (Approximately 84 of the 206 lots or 40% of homes)

**PROFFERED UNIT LOCATION**  
**REAR LOAD**  **SIDE LOAD**



**Proffered with the January 2009  
Modification**



**Revised Concept Plan – Approved January 2009**

